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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------|
| 10/642,437 | 08/15/2003 | Roger Moulton | SOU747/4-9US | 9922 |
| 7590 10/27/2004 | | | EXAMINER | |
| Douglas W. McClellan VINSON & ELKINS LLP 2300 First City Tower 1001 Fannin Houston, TX 77002-6760 | | | NAZARIO GONZALEZ, PORFIRIO | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1621 | |
| DATE MAILED: 10/27/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,437

Applicant(s)

MOULTON, ROGER

Examiner

Porfirio Nazaño-Gonzalez

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-30 is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-13 and 17 is/are rejected.
- 7) ☐ Claim(s) 4-10 and 14-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Westmoreland, Jr. et al., Journal of Organometallic Chemistry, Vol. 25, No. 2, pages 329-335 (1970). The Westmoreland reference discloses tetraalkylammonium tetraalkylaluminates salts. See Table I at page 331 and Table II at 332. See also experimental section at page 334.
4. Claims 1, 3 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Symmes, Jr. et al., Journal of Organic Chemistry, Vol. 43, No. 6, pages 1250-1253 (1978). The Symmes, Jr. et al. reference discloses phenyl(1,1,3-trimethylpropyl)phosphonous dichloride-aluminum chloride complex. See complex 2 at page 1251. See also experimental section on page 1252.
5. Claims 1, 3 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB 1,031,839. The '839 GB patent discloses the compounds $[\text{C}_2\text{H}_5\text{PCl}_3]^+[\text{AlCl}_4]^-$ and $[\text{C}_2\text{H}_5\text{PCl}_3]^+[\text{Al}_2\text{Cl}_7]^-$. See examples 1 and 2.

Art Unit: 1621

6. Claims 1, 3, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,857,238 A. The '238 patent discloses the compound $[\text{CH}_3\text{PCl}_3]^+[\text{AlCl}_4]^-$. See Example 6.

7. Claims 1, 2 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 3,418,216 A. The '216 patent discloses an ammonium-halide-alkylaluminum salt. See Tables I-III at columns 3 and 5.

Allowable Subject Matter

8. Claims 4-10 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

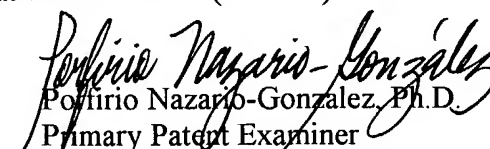
9. Claims 18-30 are allowed over the prior art of record.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Porfirio Nazario-Gonzalez whose telephone number is 571-272-0641. The examiner can normally be reached on Mon.-Fri. (9:30 AM - 6:00 PM).

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1621

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Porfirio Nazario-Gonzalez, Ph.D.
Primary Patent Examiner
Art Unit 1621

PNG

October 26, 2004